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10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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13 JESSICA GOMEZ, individually, and on  
14 behalf of all others similarly situated,

15 Plaintiff,

16 vs.  
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18 JELLY BELLY CANDY COMPANY,  
19 and DOES 1-25, Inclusive,

20 Defendants.

21 Defendants.

Case No.: 5:17-cv-00575 (FFMx)

DECLARATION OF THOMAS W.  
KOHLER IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION TO  
DISMISS

22 DECLARATION OF THOMAS W. KOHLER

23 I, Thomas W. Kohler, hereby declare as follows:

24 1. I am an attorney licensed to practice law in the State of California and the  
25 State of Arizona, as well as the Central District of California. I am an attorney of Apex  
26 Trial Law, counsel for Plaintiff Jessica Moreno ("Plaintiff") in this action. If called upon  
27 as a witness, I could and would competently testify to the facts set forth below, as I know  
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1 each to be true based on my own personal knowledge or based upon my review of the  
2 files and records maintained by Apex Trial Law in the regular course of business.

3 2. Attached hereto is as Exhibit A is a true and correct copy of the FDA's  
4 "Ingredients Declared as Evaporated Cane Juice: Guidance for Industry" issued in May  
5 of 2016.

6 3. Attached hereto as Exhibit B is a true and correct copy of the an FDA  
7 Warning Letter that was issued before the FDA issued its Evaporated Cane Juice  
8 Guidance in 2009.

9 4. Attached hereto as Exhibit C is a true and correct copy of the an FDA  
10 Warning Letter that was issued before the FDA issued its Evaporated Cane Juice  
11 Guidance in 2009.

12 I declare under penalty of perjury under the laws of the State of California and the  
13 United States of America that the foregoing is true and correct, and that this declaration  
14 was executed on May 17, 2017, at Gilbert, Arizona.

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18 Thomas W. Kohler  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 29, 2015, I electronically filed the foregoing **DECLARATION OF THOMAS W. KOHLER IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS** with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/Ryan M. Ferrell

Ryan M. Ferrell